



State of North Carolina
General Statutes Commission
9001 Mail Service Center
RALEIGH, NORTH CAROLINA
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MEMORANDUM

To: File DN 05-12 - Certification of Questions of Law

From: P. Bly Hall, Assistant Revisor of Statutes

Re: Response from the Chief Justice to Letter re: Certification of Questions of Law

Date: May 18, 2011

On February 21, 2011, I received a telephone call from the Honorable Sarah Parker, Chief Justice of the Supreme Court of North Carolina. This call was in response to a follow-up letter to the Chief Justice from the Chairman of the General Statutes Commission, dated November 10, 2010.

The follow-up letter had inquired about an earlier letter, memorandum, and packet of supporting documents that the Commission sent the Chief Justice in December of 2008, which dealt with certification of questions of law. The main issue covered by the 2008 material was whether the North Carolina Constitution would need to be amended to enable the Court to adopt certain parts of the Revised Uniform Certification of Questions of Law Act as rules of the Supreme Court. The Commission had not received a reply to that earlier letter and memorandum. The follow-up letter asked whether or not the Chief Justice and the other members of the Court had any interest in pursuing the matter at this time.

In response to a request made shortly after receipt of the follow-up letter, I had also provided the Chief Justice with additional copies of the material sent in 2008.

In the telephone conversation on February 11, 2011, the Chief Justice indicated that she and the other justices had discussed the material submitted by the Commission. She reported that they had unanimously concluded that they were not interested in pursuing the matter at this time. It was my understanding that she would send the Commission a written response, but it appears that none has been received to date.

I reported this conversation to the Commission at its meeting on April 1, 2011, and have prepared this memorandum to file to memorialize the response of the Chief Justice and the Associate Justices as transmitted to me by the Chief Justice in her telephone call.